

13. The process according to claim 8, wherein the compound is 2' mono trimethylsilyl erythromycin A oxime isopropyl cyclohexyl ketal, or 4" monotrimethylsilyl erythromycin A oxime isopropyl cyclohexyl ketal.

14. The process according to claim 8, wherein the compound is a mixture of 2' mono trimethylsilyl erythromycin A oxime isopropyl cyclohexyl ketal and 4" monotrimethylsilyl erythromycin A oxime isopropyl cyclohexyl ketal.

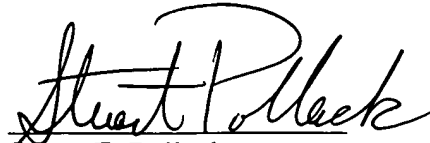
REMARKS

By the above amendment, claims 1-14 are presented for examination. Support for new claims 8-14 is provided in the specification including for example in column 1, lines 45-58. No new matter is introduced by this amendment.

Applicants submit that the newly-presented claims are narrower in scope than granted claims 1-7. Therefore, the claims presented here do not raise issues concerning enlargement of the scope of the claims under 35 U.S.C. § 251, final paragraph.

Applicants are submitting this reissue application because they believe that the original patent, upon which this reissue application was based, is partly inoperative by reason of their claiming less than they had a right to claim therein, in that they had a right to claim their invention more specifically; and more particularly, it was an error not to include claims, such as new claims 8-14, that were narrower in scope than the original claims. The error of claiming less than they had a right to claim arose without deceptive intent on the applicants' part.

Dated: March 22, 2004

A handwritten signature in black ink, reading "Stuart E. Pollack". The signature is fluid and cursive, with the first name "Stuart" and last name "Pollack" clearly distinguishable.

Stuart E. Pollack

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